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12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 SAUNDRA JOHNSON and
17 HANIFA HABIB individually, and
18 on behalf of all others similarly
19 situated,

20 Plaintiffs,

21 v.

22 SKY CHEFS, INC., a Delaware
23 business entity,

24 Defendants.

Case No: CV11-05619 LHK
Assigned to Hon. Lucy H. Koh

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING THE BRIEFING
SCHEDULE FOR PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

1 Plaintiffs Sandra Johnson and Hanifa Habib (“Plaintiffs”) and Defendant Sky
 2 Chefs, Inc. (“Defendant”) (collectively referred to as the “Parties”), hereby submit the
 3 following Stipulation and [Proposed] Order requesting an extension of the briefing
 4 schedule for Plaintiffs’ motion for class certification based on the current pleadings.

5 **STIPULATION**

6 WHEREAS, on December 20, 2012, Plaintiff Sandra Johnson filed a Motion for
 7 Leave to File a Third Amended Complaint, seeking to add an additional Plaintiff, Hanifa
 8 Habib, and the following additional claims: (1) Failure to Pay Minimum Wage and
 9 Overtime Compensation, Cal. Lab. Code §§ 510 and 1194; (2) Failure to Provide
 10 Adequate Rest Periods, Cal. Lab. Code § 226.7; and (3) Failure to Pay Minimum Wage
 11 and Overtime Compensation, Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*;

12 WHEREAS, after meeting and conferring regarding the Motion for Leave to file
 13 the Third Amended Complaint, the Parties agreed that they would stipulate to the filing
 14 of Plaintiff’s Third Amended Complaint;

15 WHEREAS, on January 25, 2013, the Parties submitted a Stipulation and Proposed
 16 Order regarding the filing of the Third Amended Complaint to the Court and the Court
 17 granted the Parties’ stipulation on January 29, 2013;

18 WHEREAS, the parties have met and conferred regarding the briefing schedule for
 19 Plaintiffs’ Motion for Class Certification in light of the filing of the Third Amended
 20 Complaint and have determined that, as set forth in detail in the Declaration of Alan
 21 Harris filed herewith, good cause exists to extend the briefing schedule for Plaintiffs’
 22 Class Certification Motion to account for personnel changes in Plaintiff’s counsel’s office
 23 and to permit necessary discovery;

24 WHEREAS, the Parties have agreed to the following briefing schedule for
 25 Plaintiff’s Class Certification Motion based on the current pleadings: 1) Plaintiffs’
 26 Motion for Class Certification must be filed by May 24, 2013; 2) Defendant’s Opposition
 27 is due by June 14, 2013; 3) Plaintiff’s Reply must be filed by June 21, 2013; and 4) the
 28

1 hearing on class certification would take place on July 5, 2013 or on such other later date
2 as the Court determines;

3 WHEREAS, this Stipulation is not entered into for purposes of delay or
4 harassment, and the Parties would be significantly prejudiced if the Stipulation was not
5 approved.

6 **ACCORDINGLY, THE PARTIES HEREBY STIPULATE AND AGREE THAT:**

7 1) Plaintiffs must file any Motion for Class Certification by May 24, 2013; 2)
8 Defendant's Opposition is due by June 14, 2013; 3) Plaintiff's Reply is due by June 21,
9 2013; 4) The hearing on class certification would take place on July 5, 2013 or on such
10 other later date as the Court determines; and 5) the Case Management Conference shall
11 proceed on April 11, 2013, at which time the Parties will address scheduling with the
12 Court, including the rescheduling of the cutoff dates for the parties to complete fact and
13 expert discovery and to file dispositive motions.

14 **IT IS SO STIPULATED.**

15 DATED: February 21, 2013

HARRIS & RUBLE

16 _____/s/_____
17 Alan Harris
18 Priya Mohan
19 *Attorneys for Plaintiffs*

20 DATED: February 21, 2013

LITTLER MENDELSON

21 _____/s/_____
22 Rebecca M. Aragon
23 Anthony G. Ly
24 *Attorneys for Defendant*

[PROPOSED] ORDER

PURSUANT TO STOPULATION, IT IS HEREBY ORDERED AS FOLLOWS:

- 1) Plaintiffs must file any Motion for Class Certification by May 24, 2013;
- 2) Defendant's Opposition is due by June 14, 2013;
- 3) Plaintiff's Reply is due by June 21, 2013;
- 4) The hearing on class certification will take place on July 11, 2013;
- 5) ~~The Case Management Conference shall proceed on April 11, 2013, at which time the Parties will address scheduling with the Court, including the rescheduling of the cutoff dates for the parties to complete fact and expert discovery and to file dispositive motions.~~ The Case Management Conference currently set for April 11, 2013, is hereby MOVED to March 27, 2013, at 2:00 p.m. At this Conference, the Parties will address revising the case schedule.

DATED: March 5, 2013


HONORABLE LUCY H. KOH